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Date: (Filing No. H- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 207, L.D. 307, “An Act Regarding Energy, Utilities and Technology”

Amend the bill by striking out the title and substituting the following:

**'An Act to Establish the Maine Data Center Coordination Council and Place a Temporary Limitation on Certain Data Centers'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. Temporary limitation on certain data centers.** Notwithstanding any provision of law to the contrary, prior to November 1, 2027, a municipality, a quasi-independent state entity or any agency of the State may not accept an application for or issue a permit, certificate or other approval for the development, construction or operation of a data center with a load of 20 megawatts or more. For the purposes of this section, "data center" means any facility in the State, which may be a freestanding structure or a facility within a larger structure, that primarily contains electronic equipment used to process, store and transmit digital information that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

This section is repealed November 1, 2027.

**Sec. 2. Establishment of Maine Data Center Coordination Council.** The Department of Energy Resources shall convene the Maine Data Center Coordination Council, referred to in this legislation as "the council," to provide strategic input, facilitate coordinated state planning considerations and evaluate policy tools to address data center opportunities and related benefits and risks to the State. For the purposes of this section, "data center" means any facility in the State, which may be a freestanding structure or a facility within a larger structure, that primarily contains electronic equipment used to process, store and transmit digital information that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

**COMMITTEE AMENDMENT**

1           1. The council shall evaluate issues related to data centers located or proposed to be  
2 located in the State, with the goals of protecting ratepayers, maintaining electric grid  
3 reliability, minimizing environmental impacts and enabling responsible and appropriately  
4 sited economic development. In conducting its evaluation, the council shall consider the  
5 State's policy goals related to renewable energy in the Maine Revised Statutes, Title 35-A,  
6 section 3210, greenhouse gas reduction objectives, including those in Title 38, section  
7 576-A, goals for broadband service established in Title 35-A, section 9202-A, the state  
8 economic development strategy and the legislative findings described in Title 38, section  
9 480-A. In carrying out its work, the council shall:

10           A. Review and consider legislation related to data centers that has been considered or  
11 adopted in other states;

12           B. Evaluate projections of electric load growth, infrastructure needs and system  
13 reliability and resource adequacy impacts associated with data centers in the State and  
14 the ISO-New England region;

15           C. Identify strategies to protect ratepayers from rate inflation or negative financial  
16 effects resulting from data centers, including, but not limited to, cost allocation  
17 approaches, rate design changes, impact fees, efficiency standards, energy supply  
18 obligations and demand response and load flexibility during periods of high demand  
19 or grid emergencies;

20           D. Review applicability of existing state programs and financial tools to data centers;

21           E. Assess potential environmental and natural resource impacts, including, but not  
22 limited to, water use, emissions, land use and other impacts on host communities, and  
23 identify strategies to minimize adverse impacts;

24           F. Consider data-sharing requirements and processes for proposed data centers,  
25 including use of nondisclosure agreements and identify information essential to grid  
26 operators, electric utilities, state agencies and policy makers regarding electric load,  
27 peak demand, water use and other operational characteristics necessary to inform state  
28 and local planning;

29           G. Offer guidance to assist municipalities in assessing potential data center impacts  
30 and benefits, including the use of community benefit agreements; and

31           H. Develop recommendations to clarify roles, responsibilities, information-sharing  
32 practices and timelines among state agencies, utilities, municipalities and other  
33 governmental entities to support coordinated, timely and well-informed responses to  
34 data center development inquiries.

35           2. The Commissioner of Energy Resources or the commissioner's designee shall serve  
36 as chair of the council. The council must include the following additional 13 members:

37           A. The Director of the Maine Office of Community Affairs or the director's designee;

38           B. The Commissioner of Economic and Community Development or the  
39 commissioner's designee;

40           C. The Public Advocate or the Public Advocate's designee;

41           D. The chair of the Public Utilities Commission or the chair's designee;

42           E. The president of the Maine Connectivity Authority or the president's designee;

- 1 F. The Commissioner of Environmental Protection or the commissioner's designee;
- 2 G. A representative of the Maine Municipal Association appointed by the
- 3 Commissioner of Energy Resources;
- 4 H. The executive director of the Wabanaki Alliance or the executive director's
- 5 designee;
- 6 I. One representative each from the 2 investor-owned transmission and distribution
- 7 utilities in the State and one representative of the interests of cooperative and
- 8 municipally owned utilities in the State appointed by the Commissioner of Energy
- 9 Resources;
- 10 J. One representative of an environmental advocacy organization appointed by the
- 11 Commissioner of Energy Resources; and
- 12 K. One representative of a labor organization appointed by the Commissioner of
- 13 Energy Resources.

14 The Commissioner of Energy Resources or the commissioner's designee may invite  
 15 additional agency representatives, experts or stakeholders to provide comment or provide  
 16 assistance to the council as the commissioner determines appropriate to address technical,  
 17 economic and environmental factors of data center development.

18 3. The council shall hold at least 5 meetings. The council shall provide an opportunity  
 19 for public comment on the council's draft findings prior to submitting the final strategy  
 20 report described in subsection 4.

21 4. By February 1, 2027, the council shall submit a final strategy report with the findings  
 22 of its evaluation and any recommendations, including any proposed legislation, to the  
 23 Governor and the joint standing committee of the Legislature having jurisdiction over  
 24 energy matters. The committee may report out a bill related to the report to the 133rd  
 25 Legislature in 2027.

26 **Sec. 3. Appropriations and allocations.** The following appropriations and  
 27 allocations are made.

28 **ENERGY RESOURCES, DEPARTMENT OF**

29 **Department of Energy Resources Z424**

30 Initiative: Provides one-time funding for contracted technical and facilitation support for  
 31 the Maine Data Center Coordination Council.

32 <b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
33 All Other	\$0	\$95,000
34		
35 GENERAL FUND TOTAL	\$0	\$95,000

36 ' ,

37 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
 38 number to read consecutively.

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**SUMMARY**

This amendment replaces the bill, which is a concept draft, and changes the title. It requires the Department of Energy Resources to convene the Maine Data Center Coordination Council to provide strategic input, facilitate coordinated state planning considerations and evaluate policy tools to address data center opportunities and related benefits and risks to the State. By February 1, 2027, the council is required to submit a final strategy report, including the findings of its evaluation and recommendations, to the Governor and the joint standing committee of the Legislature having jurisdiction over energy matters. The amendment also prohibits a municipality, a quasi-independent state entity or any agency of the State, prior to November 1, 2027, from accepting an application for or issuing a permit, certificate or other approval for the development, construction or operation of a data center with a load of 20 megawatts or more.

**FISCAL NOTE REQUIRED**

**(See attached)**